

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Monte Myiharell Barker,

Plaintiff,

V.

Joey Norris, Joyce W. Brunson,

Defendants.

C/A No. 5:12-cv-00374-MGL-KDW

REPORT AND RECOMMENDATION

Plaintiff, proceeding pro se and *in forma pauperis*, brought this action alleging violations of his constitutional rights pursuant to 42 U.S.C. § 1983. Defendants filed a Motion for Summary Judgment on November 14, 2012. ECF No. 54. As Plaintiff is proceeding pro se, the court entered an order on November 15, 2012, pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), advising him of the importance of a motion for summary judgment and of the need for him to file an adequate response. ECF No. 55. Plaintiff was informed that his response to Defendants' summary judgment motion was due by December 20, 2012. *Id.* On December 18, 2012, Plaintiff filed a Motion to Dismiss in which he explained that he is unable to obtain the "proper proof" to challenge Defendants' summary judgment motion and requests that his case be dismissed. ECF No. 58. Because Plaintiff has indicated that he no longer wishes to pursue his claims against Defendants, the undersigned recommends that this action be dismissed without prejudice. If the court accepts this recommendation, Defendants' pending Motion for Summary Judgment, ECF No. 54, will be moot.

IT IS SO RECOMMENDED.

A handwritten signature in black ink, reading "Kaymani D. West". The signature is fluid and cursive, with the first name "Kaymani" being more prominent and the last name "West" following in a similar style.

January 24, 2013
Florence, South Carolina

Kaymani D. West
United States Magistrate Judge

**The parties are directed to note the important information in the attached
“Notice of Right to File Objections to Report and Recommendation.”**